



Appeal Brief

for the invention "Computer Mouse"

(1). Real party in interest.

The inventors of this invention are: David Darian Muresan and David Muresan

(2). Related Appeals and Interferences.

We do not have any knowledge of any other appeals or Interferences.

This is our first appeal because the examiner did it final. The examiner opposed the inventions:

No. 5,371,516 (Toyoda) and No.5,583,541 (Solhjeli).

We do not have any representative. David Muresan, one of the authors, will represent us before the Patent Office.

(3). Status of claims.

The claim in our initial specification filed on (1-28-96) is :

1. This Computer Mouse is characterized by using a magnet, to press the rubber magnetic core ball against the coordinates X and Y shafts.

The claim in our substitute specification filed on (1-06-98) is :

**2. A computer mouse with two contacts inside of it, comprising:
a magnet which attracts the mouse magnetic core ball and rubber outer layer, without touching the ball, against the coordinates x and y shafts, in a plane parallel with the shafts x and y plane.**

None of these claims has been canceled. Claim 2 is not entered.

The claim 1 is on appeal.

(4). Status of amendments.

After the final rejection, we sent a substitute specification in order to determine the examiner to withdraw the final, and also to comply with the rules how to fill a specification. Ex. the word "comprising" in the claim. This was not entered.

(5). Summary of invention.

In our initial specification, (sent 1-06-98) we present a mouse having the ball with 2 contacts, the coordinate shafts X and Y. The 3rd contact, which is a wheel H in Fig 1, present in all other mice (in those opposed too) is replaced with a magnet in a proper position to create the same force, as direction and amplitude, as that wheel (3rd contact). The magnet does not touch the magnetic core ball. Fig 1. shows the mouse ball with 3 contacts and Fig 2. shows our mouse ball with 2 contacts.

(6). Issues.

The issue presented for review is: "Whether claim 1 is unpatentable under 35 U.S.C 103 over Toyoda"

(7). Grouping of claims.

Our invention contains only one claim.

(8). Argument.

In our invention the mouse ball has 2 contacts but in Toyoda's has 3 contacts. These contacts are inside of the mouse. The contact between the ball and the table, on which the mouse is moved is excluded in this comparison.

(9). Appendix.

The claim involved in appeal is:

This Computer Mouse is characterized by using a magnet, to press the rubber magnetic core ball against the coordinates X and Y shafts.

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